IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Before the Honorable Laura Fashing, United States Magistrate Judge

CLERK'S MINUTES

CASE TITLE: Marquez et al v. Levine **DATE**: December 1, 2015

et al

CASE No: 1:15-cv-00787-KBM-LF COURTROOM

CLERK: CCP

<u>PROCEEDINGS</u> <u>COURT IN</u>

<u>COMMENCED</u>: 3:00 p.m. **<u>RECESS</u>**: 3:20 p.m.

TYPE OF PROCEEDING: Status Conference

ATTORNEY(S) PRESENT FOR PLAINTIFF(S):

ATTORNEY(S) PRESENT FOR DEFENDANT(S):

Pilar Murray Frank Apodaca

The following matters were discussed:

- I. The court will decide the current pending motions (Doc. 20 and Doc. 28) once briefing is complete. Judge Fashing will decide whether to set a hearing, or to decide the motions on the briefs. If Ms. Murray seeks to file a surreply, she will do so in accordance with the Federal Rules of Civil Procedure and the local rules. (*See especially* DNMLR-Civ. 7.4(b)).
- II. Mr. Apodoca agreed to mail Ms. Murray a second copy of the audio/visual materials he previously mailed on November 13, 2015. Ms. Murray will provide Mr. Apodaca with a physical address so that the materials can be mailed via FedEx, or other method that provides tracking and/or delivery confirmation.
- III. Ms. Murray complained about two missing addresses in Mr. Apodaca's Third Supplemental Disclosures. Mr. Apodaca agreed to try to obtain the last known addresses of the two potential witnesses, who he said were no longer employees. If Mr. Apodaca is unable to locate the addresses, he will communicate this to Ms. Murray in writing.
- IV. All counsel must agree that a telephonic conference is appropriate before contacting chambers to schedule the conference. Judge Fashing's procedures for phone conferences may be found at: http://www.nmd.uscourts.gov/content/honorable-laura-fashing.
- V. Judge Fashing reminded Ms. Murray not to contact chambers *ex parte* to discuss substantive issues. If Ms. Murray wants to argue a substantive issue, she may file a motion or other document through CM/ECF. Contact with chambers should be limited to administrative and scheduling matters.